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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 JOAN WILLIAMS, JOHNNY MADRID,
16 DAUNA DESROSIERS, and NIKI
ZULLO,

17 Plaintiffs,

18 v.

19 BRISTOL-MYERS SQUIBB COMPANY,
20 MCKESSON CORPORATION, OTSUKA
AMERICA PHARMACEUTICAL, INC.,
21 OTSUKA PHARMACEUTICAL CO.,
LTD., and DOES 1 TO 100,

22 Defendants.
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Case No. 4:18-cv-05052-_____

**STIPULATION TO STAY PROCEEDINGS
PENDING TRANSFER TO THE ABILIFY®
MDL; ~~PROPOSED~~ ORDER**

1 Defendants Bristol-Myers Squibb Company (“BMS”), Otsuka America Pharmaceutical, Inc.
2 (“OAPI”), and McKesson Corporation (“McKesson”) (collectively, “Defendants”), and the above-
3 captioned Plaintiffs (“Plaintiffs”) (collectively, the “Parties”), by and through their undersigned
4 counsel, hereby stipulate and agree to, and respectfully request that the Court enter an order
5 establishing the following:

6 WHEREAS, on August 15, 2018, Plaintiffs filed their Complaint in the Superior Court of
7 California in and for San Francisco County,

8 WHEREAS, on August 17, 2018, BMS removed this case from the Superior Court of the
9 State of California in and for San Francisco County to the U.S. District Court for the Northern
10 District of California,

11 WHEREAS, no Defendant has filed an Answer or other responsive pleading,

12 WHEREAS, on August 20, 2018, Plaintiffs filed a motion to remand (ECF No. 4),

13 WHEREAS, on August 21, 2018, the Judicial Panel on Multidistrict Litigation (the “JPML”)
14 entered Conditional Transfer Order (“CTO”)-23, conditionally transferring this case to MDL-2734,
15 *In re Abilify (Aripiprazole) Products Liability Litigation*, No. 3:16-md-2734-MCR-GRJ (N.D. Fla.)
16 (the “Abilify MDL”),

17 WHEREAS, Plaintiffs agree to not oppose transfer of this case to the Abilify MDL and to
18 withdraw any pending oppositions thereto,

19 WHEREAS, the Parties agree to defer all briefing and argument on Plaintiffs’ motion to
20 remand pending transfer to the Abilify MDL,

21 WHEREAS, Plaintiffs agree to withdraw, without prejudice, their pending motion to remand
22 (ECF No. 4),

23 WHEREAS, the Parties agree to stay all proceedings in this Court pending transfer to the
24 Abilify MDL,

25 WHEREAS, the Court has the inherent power to stay its proceedings,

26 WHEREAS, Defendants contend that courts in the Northern District of California and
27 elsewhere have determined that a stay pending transfer to the Abilify MDL is of limited duration
28 causing little or no prejudice, uses party and judicial resources efficiently, and promotes uniformity,

STIPULATION TO STAY PENDING TRANSFER TO THE ABILIFY MDL;

~~PROPOSED~~ ORDER

CASE NO.: 4:18-cv-05052-HSG

1 consistency, and predictability in litigation (*see* Order ECF No. 16, *Rollo v. Bristol-Myers Squibb, Co.*,
2 No. 4:18-cv-2577-HSG (N.D. Cal. May 15, 2018); *Pamintuan v. Bristol-Myers Squibb Co.*, No. 16-cv-
3 00254-HSG, 2016 WL 4319844 (N.D. Cal. July 14, 2016) (Gilliam, J.); Order, ECF No. 60, *Ginsberg v.*
4 *Bristol Myers Squibb Co.*, No. 1:17-cv-11606-WGY (D. Mass. Sept. 26, 2017); Order, ECF No. 13,
5 *Stiggle v. Bristol-Myers Squibb Co.*, No. 3:17-cv-01387-JAM (D. Conn. Sept. 5, 2017)),

6 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**

- 7 1. The proceedings in this action will be stayed pending the JPML's transfer order;
8 2. Plaintiffs' motion to remand (ECF No. 4) is withdrawn without prejudice;
9 3. Plaintiffs will withdraw their opposition to CTO-23;
10 4. In opposing any motion to remand filed in this case, Defendants will not raise
11 procedural or substantive arguments regarding Plaintiffs' non-opposition to the
12 transfer of this case to the Abilify MDL;
13 5. In opposing any motion to remand filed in this case, Defendants will not raise
14 procedural or substantive arguments regarding Plaintiffs' agreement to stay these
15 proceedings pending transfer to the Abilify MDL; and
16 6. Defendants' Answers or other responsive pleadings will not be due until 30 days after
17 the JPML enters its transfer order.

18 **IT IS SO STIPULATED AND AGREED.**

19 ARNOLD & PORTER KAYE SCHOLER LLP

20 Dated: August 31, 2018

21 By: /s/ Sharon D. Mayo

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Counsel for Plaintiffs

I, Sharon D. Mayo, hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Sharon D. Mayo

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/5/2018

By: Haywood S. Gilliam, Jr.
Haywood S. Gilliam, Jr.
United States District Judge